

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NIXON BOURGUIGNON,

Petitioner.

20-CV-1834 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

By order dated March 4, 2020, the Court granted Petitioner sixty days' leave to file a petition under 28 U.S.C. § 2254. That order specified that failure to comply would result in dismissal of the action without prejudice. Petitioner has not filed a petition. Accordingly, the action, filed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1), is dismissed without prejudice to any future § 2254 petition filed by Petitioner.

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

Because Petitioner has not at this time made a substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

SO ORDERED.

Dated: June 26, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge